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November 17, 2003

**Memorandum of Ex Parte Communication via Electronic Submission**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
TW-A325-Lobby  
Washington, D.C. 20554

Dear Ms. Dortch:

**RE: CC Docket No. 01-321, Performance Measurements and Standards for Interstate Special Access Services**

On November 14, 2003, Ron Watkins, Terry Gleason, Christopher Heimann and the undersigned met with members of the Wireline Competition Bureau to discuss the above-listed proceeding. The FCC staff members in attendance were Julie Veach, Pamela Megna, Rodney McDonald, Michael Engel, Daniel Shiman, Ian Dillner & Henry Thaggert. SBC representatives explained that, due to the competitive nature of the special access marketplace, ILECs are compelled to provide quality service in terms of both installation and repair. SBC observed that, in this environment, mandated service quality measures and standards not only are unnecessary, but also counterproductive because they will deny ILECs flexibility to respond to their customer's specific service quality needs. Using the attached chart, we described the key metrics (on-time delivery, failure frequency and mean time to restore) requested by our customers and the good and improving service provided by SBC. In addition, we discussed the shortcomings of the JCIG proposal, including statistical issues (e.g. excessive disaggregation, small sample sizes and double counting). We explained the statistical problems (e.g. small sample sizes and dissimilar process flows for retail and wholesale operations) that would arise from the imposition of parity measures. SBC advocated that if any performance measures were imposed, they should apply equally to all special access providers.

We are submitting the original and one copy of this Memorandum to the Secretary in accordance with Section 1.12 of the Commission's rules. Please include a copy of this submission in the record of the above-listed proceedings. Also, please stamp and return the provided copy to confirm your receipt. You may contact me at (202) 326-8889 should you have any questions.

Sincerely,

/s/ Jarvis Bennett

Attachment

CC: J. Veach  
P. Megna  
R. McDonald  
M. Engel  
D. Shiman  
I. Dillner  
H. Thaggert

# **SBC Performance: Good and Continuing to Improve**

## **All Special Access Services Combined**

	<b>2001 total</b>	<b>2002 total</b>	<b>9 MOS 2003</b>
<b>On Time Delivery</b>	<b>92.50%</b>	<b>97.31%</b>	<b>98.14%</b>
<b>Failure Frequency</b>	<b>1.99%</b>	<b>1.77%</b>	<b>1.82%</b>
<b>Mean Time To Restore</b>	<b>5:12</b>	<b>3:54</b>	<b>3:35</b>

Source: Internal Company Data